

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Civil Revision No. 51 of 2006

Krishna Kumar S/o Ranjeet Singh
R/o Village Dhanauri
Tehsil Roorkee
District Haridwar

...Revisionist

Vs

1. Makkhan Lal S/o Sri Jaganath Prasad
R/o Village Dhanauri, Tehsil Roorkee
District Haridwar
2. ADJ / 1st F.T.C., Roorkee
District Haridwar

...Opposite Parties

Sri K.S. Bhaskar, learned counsel for the revisionist

Hon'ble B.C. Kandpal, J.

This revision has been preferred against the order dated 30.08.2006 passed by the First Additional District Judge Sessions Judge/1st F.T.C., Roorkee in S.C.C. Suit No. 38 of 1994 whereby the court below rejected the application of the revisionist paper No. 146-C.

2. Brief facts of the case as emerged out from the record are that the revisionist who is the defendant before the court below moved an application stating therein that certain documents are required for adjudicating the matter in dispute and the defendant thus wanted to file those documents before the court below.

3. The objection was filed by the plaintiff/respondent against that documents and the court below after hearing learned counsel for the parties was pleased to dismiss the application vide order dated 30.08.2006.

4. Feeling aggrieved by the aforesaid impugned order, the revisionist has been preferred this appeal before this Court.

5. Heard Sri K.S. Bhaskar, learned counsel for the revisionist and perused the record.

6. The impugned order shows that the main dispute in the matter involves is whether the disputed property is situate in Khasra No. 78 or over 146 and this fact could be ascertained only by way of issuing survey commission. The court below accordingly, recorded the observation for fixing identity of the property in question. The court below at the same time rejected the application of the defendant/revisionist.

7. I do not find any illegality, impropriety or incorrectness in the impugned order passed by the court below. There is no ground for interference in the impugned order passed by the court below.

8. The revision lacks merit and is liable to be dismissed in-limine.

9. Accordingly, the revision is dismissed.

10. Consequently, the stay application No. 11785 of 2006 is also dismissed.

(B.C. Kandpal, J.)

13.09.2006
ASWAL